

REMARKS

Claims 1-24 were originally filed in the present application.

Claims 1-24 are pending in the present application.

Claims 1-24 have been rejected.

Claims 4 and 7 were objected to.

Claims 3, 4, 6, 7, 11, 12, 14, 17, 19, 20 and 22 have been amended.

Reconsideration of Claims 1-24, as amended, is respectfully requested.

In Section 2 of the March 24, 2004 Office Action, the Examiner objected to the drawings and required submission of new drawings. The Applicant is submitting formal drawings with this Reply.

In Section 4 of the March 22, 2004 Office Action, the Examiner objected to Claims 4 and 7, each of which depended on itself. The Applicant has amended Claims 4 and 7 to correct this problem.

In Sections 5 and 6 of the March 22, 2004 Office Action, the Examiner rejected Claims 3-7, 11-15, and 19-23 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner stated that Claims 3, 4, 6, 11, 12, 14, 19, 20 and 22 recite a limitation that the packets contain a layer (e.g., IP, TCP, etc.). The Examiner asserted that a layer is an abstract concept, rather than a specific piece of data, such as one that could be included in a data packet.

In response to the rejection, the Applicant has amended Claims 3, 4, 6, 11, 12, 14, 19, 20 and 22 to recite that the packets contain IP layer information or TCP layer information.

The Applicant has amended Claim 17 solely to correct a typographical error and respectfully asserts that the amendment does not alter the scope of the claim.

In Sections 7 and 8 of the March 24, 2004 Office Action, the Examiner rejected Claims 1, 3-9, 11-17, and 19-24 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,587,684 to *Hsu et al.* (hereafter, "*Hsu*") in view of "TIA/EIA/IS-683-A: Over-the-Air Service Provisioning of Mobile Stations in Spread Spectrum Systems (IS683A), May 1998" (hereafter, "the IS683A reference"). In Section 9 of the March 24, 2004 Office Action, the Examiner rejected Claims 2, 10 and 18 under 35 U.S.C. §103(a) as being unpatentable over the *Hsu* reference in view of the IS683A reference and further in view of U.S. Patent No. 6,609,148 to *Salo et al.* (hereafter, "*Salo*"). The Applicant respectfully traverses the rejection of Claims 1-24.

The Applicant directs the Examiner's attention to independent Claim 1, which contains following unique and novel limitations:

1. A mobile station capable of communicating with a plurality of base stations in a wireless network and receiving at least one of a software program, a software correction patch and provisioning data from a server associated with said wireless network, said mobile station comprising:
 - an RF transceiver capable of receiving wireless messages from said plurality of base stations and converting said received wireless messages to a plurality of Internet protocol (IP) packets;
 - an encryption controller capable of converting said IP packets from an encrypted format to a decrypted format; and
 - a data burst message protocol controller capable of converting said decrypted IP packets to at least one data burst message.

The Applicant respectfully asserts that the above-emphasized limitations are not disclosed, suggested, or even hinted at in *Hsu* and the IS683A reference.

In Figure 2 and at column 11, line 64, to column 12, line 19, the *Hsu* reference describes a system for downloading software to a digital telephone. The system uses wireless data protocol IS-95A to communicate data packets between the digital telephone and a mobile switching center (MSC). The MSC performs a conversion between IS-95A protocol and Internet (IEEE 802.3) protocol, used to communicate with an interworking function unit (IWF). The IS683A reference specifies in section 2.3, page 2-17, that an Over-the-Air Service Provisioning (OTASP) message be sent in the CHARi field of a data burst message, as defined in TIA/EIA-95-B. Thus, the person of ordinary skill in the art would combine the teachings of *Hsu* and the IS683A reference to download software to a digital telephone by translating software received in Internet protocol from the IWF into a data burst messages in IS-95 wireless data protocol for transmission to the digital telephone.

In contrast, independent Claim 1 recites a mobile station that receives wireless messages, converts the wireless messages to a plurality of Internet protocol (IP) packets, decrypts the IP packets and converts the decrypted IP packets to at least one data burst message. As such, independent Claim 1 presents patentable subject matter over the *Hsu* and IS683A references. Additionally, dependent Claims 2-8, which depend from Claim 1 contain all of the unique and novel limitations recited in independent Claims 1. Claims 2-8 are therefore patentable over the *Hsu*, IS683A and *Salo* references.

Similarly, the Applicant directs the Examiner's attention to independent Claim 9, which contains following unique and novel limitations:

9. A system for secure over-the-air administration of a wireless mobile station via a base station in a wireless network, said system capable of transmitting to said wireless mobile station at least one of a software program, a software correction patch and provisioning data from a server associated with said wireless network, said system comprising:

a data burst message protocol controller capable of receiving and converting said at least one of a software program, a software correction patch and provisioning data into at least one data burst message;

an encryption controller capable of converting said at least one data burst message into a plurality of encrypted IP packets; and

an RF transceiver capable of converting said encrypted IP packets into at least one wireless message and transmitting said at least one wireless message to said wireless mobile station.

The Applicant respectfully asserts that, for the same reasons described with regard to Claim 1, the above-emphasized limitations are not disclosed, suggested, or even hinted at in *Hsu* and the IS683A reference. Independent Claim 17 contains limitations that are analogous to the unique and non-obvious limitations recited in Claim 9. Therefore, independent Claims 9 and 17 present patentable subject matter over the *Hsu* and IS683A references. Furthermore, dependent Claims 10-16 and 18-24, which depend from Claims 9 and 17, respectively, contain all of the unique and novel limitations recited in independent Claims 9 and 17. Claims 10-16 and 18-24 are therefore patentable over the *Hsu*, IS683A and *Salo* references.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.

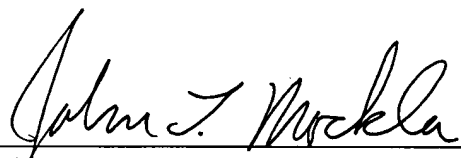
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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